IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8590 of 2005

Between:

K.L.NARASAMMA, W/O.K. SRINIVASA RAO,
Secunderabad, Now R/o. at Plot No. 152, NCL North Avencu, Kompally,
Secunderabad.

... PETITIONER

AND

1 The Secunderabad Contonment Board, Secunderabad rep. by its Executive Officer.
2 Smt. P. Damayanti, W/o. P. Vittal Rao,
R/o. House No.123, Picket, Secudnerabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the 1st respondent to take action under the provisions of Contonments Act, 1924 for demolition of unauthorized constructions made by the 2nd respondent in HOuse No.123 Picket, Secunderabad by declaring the inaction of the first respondent as illegal and viod.

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the alleged inaction on the part of the first respondent in considering the complaint of the petitioner dated 21-03-2005 as arbitrary, illegal and for a consequential direction to the first respondent to take action on the complaint as per the provisions under the Cantonments Act, 1924 for demolition of unauthorized constructions made by the second respondent.

Having heard the learned counsel for the petitioner, the learned standing counsel Sri Deepak Bhattacharjee appearing for the first respondent and keeping in view that the complaint made by the petitioner dated 21-03-2005 is pending with the first respondent, without expressing any opinion as to the correctness of the allegations made there under, the writ petition is disposed of with a direction to the first respondent to consider the complaint of the petitioner dated 21-03-2005, after affording due opportunity to the second respondent to rebut the allegations made by the petitioner and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 19-04-2005

Note: Furnish C.C. in two days.

B/o.

LSK

To

1 The Executive Officer, Secunderabad Contonment Board, Secunderabad.

2 Two C.D. copies.